#### ALL SAVED FROM THE OLD JOY LINER KENTUCKY.

Beaded for the Pacific Passenger Trade and Put In Once for Repairs-Alamo First to the Rescue-Was One, of the Oldest of Wooden Screw Ships. tions and promising to marry him, that

An aerial cry for help came over the ses yesterday morning to all the alert force of the United Wireless within 200 miles of the Cape Hatteras station. It was not the old signal that made Binns of the Republic famous, but the new international wireless message of distress, 80 S, that operators of all nationalities would heed. The wireless ears of the navy heard it, the amateurs who could not hope to lend assistance heard it and all the coastwise craft at sea from Cape May to Jacksonville waited tremulously for the message that followed the signal: "Kentucky sinking; latitude 32.10, lon-

gitude 76.30." Then there was a consultation of officers and all ships headed for the Kentucky's position, about 200 miles east by north of Savannah. The nearest wireless steamship to the Kentucky was the Mallory liner Alamo, bound from this port for Key West, Tampa and Mobile. and she ate up the knots to answer the

Meanwhile Capt. William A. Marshall, commandant of the Norfolk Navy Yard, had sent out the battleship Louisiana and the scout cruiser Birmingham to the Kentucky. The revenue cutter Yamacraw started out from Savannah to help. And while the merchant and war ships were seeking the Kentucky a world ashore and affoat was asking what the Kentucky was anyhow. It was recalled after a bit of thinking that she used to be a Joy ner and before that she was run by the Flagler interests on the Florida coast as the Martinique and that originally she was the Lincoln, in the service of the Kennebec Steamship Company, plying between Boston and Bath. She was a twin screw and one of a very limited number of seagoing wooden craft.

The Joy Line sold her to the Hartford and New York Transportation Company, which disposed of her to the Alaska Pacific Steamship Company to carry passengers on the Pacific coast. She ailed hence on January 23. sprang a leak on the first day out and put into Newport lews for repairs. The wireless operator. T. A. McLarney, who was assigned to the ob of going with her to the Pacific through the Strait of Magellan, gave it up at Newport News and W. G. Maginnis took his place. It was Maginnis who told of the Kentucky's plight and started a fleet of rescuers moving in his direction.

Soon after the Mallory liner began ship's wireless ceased working and it was supposed that the water had put out her fires and stopped her engines. for five and a half hours the wireless stations ashore heard nothing from the Kentucky. At the end of that period, about 5 o'clock in the afternoon, there was wireless jubilation all along the coast when the Alamo's wireless operator sent out this message:

Latitude 32:46, longitude, 76:28 (abou 190 miles south of Hatteras), steamship Alamo has just taken Capt. Moore and erew of forty-six men from sinking steamer Kentucky. Water has already reached fire room and steamer will founder before midnight. The Alamo is now proceeding to Key West.'

The Alamo should reach Key West about the rescue by wireless before get-

Tietgen & Lang drydocked the Ken tucky just before she sailed from this port and C. M. Englis of Greenpoint fitted her out at a cost, it is said, of about fifty thousand dollars. About eight feet more freeboard was added to her, and according to the steamboat inspectors she was nute able to negotiate the wintry seas. But she began to leak badly when she was about 150 miles south of Sandy Hook and her skipper, Capt. F. S. Moore, deided to put into Newport News. He started the pumps going, provisioned the lifeboats and had them ready for

pinion of the old ship's seaworthiness. She was simply crammed with coal and it is said that as she was not a cargo boat the unusual weight in her hull haken by the seas may have opened her seams She was looked over carefully by experts at Newport News and they declared that after she had been repaired she was theroughly seaworthy. She got a certificate from Lloyds and the United States inspector at Newport News. Also the underwriters were satisfied They were interested, as she was insured for \$70,000.

aunching, apparently not having a high

McLarney, the wireless man who left the Kentucky at Newport News, did so o oblige his mother, who had written that she had a premonition that something more was going to happen to

the ship.
The battleship Louisiana, the cruise Birmingham and the outter Yamacraw were recalled by wireless when the news of the rescue of the Kentucky's crew was

### received on shore. KILLED IN BRIDGE STATION. nidentified Man Fell in Front of Train

and Was Mangled. An unidentified man about 45 years old fell from the platform at the Brooklyn end of the Brooklyn Bridge yesterday iternoon in front of an eastbound train hat was entering the station. Both of his legs were crushed. He was taken to the Brooklyn Hospital, where he died

refore midnight. Motorman William Bartlett was coaxing the air pressure for an easy stop when saw the man pitch out upon the tracks threw on the emergency with a jerk, but a few days and will then make an auto oth the front and rear trucks of the forward car passed over the man before the sliding wheels came to a stop. At first t was thought that the man jumped in front of the train, but several person the were on the platform said that he had to crumple up as though overcom

victim was of medium height and build, had brown hair and a reddish mustache and wore a black suit and overcoat. In his black derby hat were the initials T. H. M.

### SINKING SHIP'S CALL HEARD SUESHIS FORMER SWEETHEART. DIPLOMA COST HER HER LIFE L. M. Pond Demands 825,000 for Breach

of Promise of Marriage. POUGHEREPSIE, Feb. 4.-Leicester M. Pond, a prominent Spokane architect. is so piqued at Miss Bessie Kelley, one of the city's fairest society buds, because she jilted him after accepting his atten-

he has sued his former sweetheart to

recover \$25,000. Miss Kelley's father, William J. Kelley of 11 Garfield place, is rich, but Miss Kelley, his only daughter, has no estate of her own. Mr. Kelley inherited many thousand dollars from the estate of his uncle William W. Connell, a wealthy recluse who lived modestly and after his death was found to have securities valued at

\$3,000,000 in a box under his bed. Mr. Pond is an architect and was formerly associated in business with W. J. Beardsley, who drew the plans for the State's new prison to replace Sing Sing. Mr. Pond removed to Spokane, Wash:, several years ago and formed a partner-

ship with Louis Booth. Mr. Pond has engaged Morschause t Hoysradt, who are attorneys for Harry Thaw, to press his suit against Miss Kelley. In his complaint asking for damages for breach of premise Mr. Pond offers the following schedule of the progress and decline of his suit for Miss Kelley's hand:

June 2, 1909, engaged to be married to Miss Kelley; date fixed for June 22, 1909; April 26, 1909, engagement announced; June 10, 1909, left Spokane for Poughkeepsie; arrived June 17, when Miss Kelley asked to have the wedding postponed; June 22, 1909, wedding postponed to October, 1909; July 26, 1909, Miss Kelley notified him that the engagement was at

to Miss Kelley cost him \$2,500 for travelling that date. expenses and gifts. He wants this money suing for is for mortification, humiliation, agreed that the operation might be put mental grief and the ridicule and contempt of his business associates

Miss Kelley is a graduate of Lyndon in the main class room at Hall, a fachionable training school for five girls to be graduated. Both she and Mr. Pond belong to A dance was given at the clubhouse when their engagement was announced. not marry Mr. Pond because upon reflection she could not bear to leave her mother and go away out to the State of Washingto to live. It is understood that damages, which may be all the way from six cents up.

# WHY IS A FEMALE?

Latest Biologie Grappling With the Sex Problem-Cells All of Both Genders. Special Cable Despatch to Tan Sux.

LONDON, Feb. 4.-In. a lecture redity in sex before the Royal Institution William Bateson, professor of biology at Cambridge University, described length the latest investigations into the facts regulating the distinction between male and female.

He said the past theories that sex could be influenced by prescriptions, by diet and the like had been abandoned and that scientists are now building a new with plants and animals and exhaustive observations of human families. secret, however, has not yet been unravelled.

Nevertheless, Prof. Bateson went s far as to give qualified credit to the popular view that daughters resemble their fathers and sons their mothers Experiments in the breeding and cross preeding of birds, he said, so far as they had gone, had come near to showing the accuracy of this view, and, he added, there may be some foundation for the idea, although one cannot deal critically with beliefs of that kind.

The lecturer also thought there was ome ground for believing that femaleness was a definite element which could repel certain other elements out of eggs which were going to become females. He thought also he was justified in believing that male cells are both male and female, and that female cells are plete agreement with France. equally female and male. France, it was said to-day,

### BEAM SMASHED THROUGH ROOF After Falling Ten Stories-Sick Woman Had Narrow Escape

A six foot guy beam used by painter ifteenth floor of the Scribner Building at 311 West Forty-third street yesterday and went through the roof of a flat hou at 309, demolished a bed in which a sick woman was lying and then embedded tself in the floor of the room.

The Strauss Advertising Company of 442 West Forty-second street is painting large sign on the side of the Scribne Building and yesterday morning two painters were up on the side of the build ng working from a scaffold. In some way one of the guy beams became cosened and fell to the roof of the five

story flat house. The beam went through the roof like knife and made a hole only twelve inches square. It hit the end of a brass bed in which Mrs. Mary Reehill, the wife of carpet salesman, was lying. Plaster followed the descent of the beam and Mrs. Reehill was cut about the face and shoulders and became unconscious from

painters when the beam fell ound themselves hanging on to the caffold at right angles. They managed to slide down the scaffold ropes and then

Duke and Duchess of Manchester Here. The Duke and Duchess of Manchester vere passengers by the Cunarder Maure tania, in yesterday from Liverpool and Queenstown, and were met by the father ithin six feet of the motor car. He at the pier. They will stay in this city mobile tour of the South, ending at Palm Beach. Other passengers were Lady Paget, Capt. A. E. Paget. W. K. Vander-bilt, Philippe Roy. A. A. Booth of the Cunard Line, the Baron H. von Baldin-ger-Seidenberg, Lady Lister Kaye, Mr. and Mrs. Herbert Ward. Col. Cuyler, F. Vernon Willey, Col. George R. Dyer and Col. Robert B. Baker

Shortest, Quickest Florida Route, with most attractive stop over points en route is Seaboard Air Line Ry, Four fine trains. Office 1183 B'way, corner 26th st.—Adv.

### OPERATION PUT OFF PROVES FATAL TO ANNA WAHL.

She'd Begged to Be Allowed to Attend Her School Graduation Exercises and Was Carried There in an Auta-Died in Private Hospital Three Days Later.

In a coffin banked by flowers sent by her classmates the body of Anna Wahl, 16 years old, the daughter of Mr. and Mrs. Frederick Wahl, lay at their home at 310 West 134th street last night while 500 children passed in and out of the room. At the head of the coffin stood the diploma which had cost her her life. It was encased in a handsome frame and surrounded by a garland of flowers given by Miss Emma B. Schoonmaker, principal of Public School 119; Miss Slowey and Miss Tremper, two of the child's teachers, and by seventyfive of her girl classmates.

Anna Wahl was one of the popular girls in the school, which is on 133d street near Eighth avenue. She was peculiarly eager to be graduated and to get her diploma that she might enter the Wadleigh High School She grew ill and her parents thought that overstudy and worry were the causes and that once the examinations were over she would recover. Three weeks ago her condition became so bad that a doctor was sent for.

"Appendicitis," he said. And he added that an operation was necessary. The news was broken to the child. uation at 119 was Friday a week ago. The child pleaded with her mother to Mr. Pond says that his engagement have the operation put off until after

"I want my diploma above anything The balance of the \$25,000 he is in this world," she said and the doctor off until after then

A week ago Friday there assembled in the main class room at 119 the seventy-

Just before the prized diplomas were Poughkeepsie Tennis Club set. to be handed out by Miss Schoonmaker a big automobile, part of the event, backed up to the curbing and a little girl with iss Kelley's friends say that she would a white frock and white gloves and a perfectly contented smile was lifted from the car and carried to the big room.

She was to get her diploma and that was the main thought, but the reception she will not defend Mr. Pond's suit, in she received from her assembled gir which event it will be a matter for a friends and from her teachers made even Sheriff's jury to hear his story and assess the diploma sink into the background for a few minutes.

Anna Wahl was the first to be gradu ated. Miss Schoonmaker gave her the neatly tled roll and told her what a big thing she had accomplished and how glad the teacher was to give it to her. Then before any other diplomas were given out they carried the child back to the waiting automobile and closed the door. The automobile stopped next at

19 West 101st street, a private hospital. On Saturday morning the surgeons oper ated for appendicitis. Anna Wahl died in the hospital last Monday morning. The members of her class called on the father and mother shortly after and asked for the diploma. It was given to them and returned only last night when the Rev. Dr. Neidemeyer, of Mispah Chapel, in West service over the child's body in the pres ence of as many of her classmates as could be crowded into the room.

After the funeral service the doors we brown open and the children commence to file by. Many of the girls carried in their hands the diplomas gained only a bort time before.

### FRENCH TARIFF NEXT.

tate Department Hopes to Avert War of

Maximum Rates After March 81. WASHINGTON, Feb. 4.-Negotiation with the French Government will be begun within a few days in an effort to remove the present discriminations in the French tariff laws before March 31 next, when the maximum and minimum features of the American tariff go into effect. It is believed here that there will be no serious obstacles to a com-

France, it was said to-day, could not risk a trade war with the United States under present circumstances because almost every one of its competitors for American trade will obtain the minimum rates of the American tariff law. France will be hemmed in by Great Britain, to rig up a scaffold dropped from the Russia, the Netherlands, Switzerland, Spain and Italy, all of which will receive the minimum rates.

In view of this circumstance it is no believed here that France will run the risk of having the American maximum rates imposed on products imported into the United States. French trade would be badly damaged if the maximum rates of the American tariff, which are 25 per cent, higher than the minimum rates should be imposed on her exports to this country while those of competing Eurobean countries were admitted at the ninimum rates.

France has imposed its maximum rates upon American imports since the expiration of the trade agreement between the two countries a couple of months ago

### WANTS TO GIVE MONEY AWAY Commission to Inquire Into Sanity of Miss Dalleba.

On the application of Mrs. Kate L. Dalleba of London for the appointment of a commission to inquire into the sanity of her daughter, Gerda, who last year obtained an annulment of her marriage to Ernest Blake, an English composer Supreme Court Justice Gerard yesterday named James R. Deering, Dr. Frederick A Lyons and John H. Van Tine. Mrs Dalleba is staying at the Hotel Manhattan and her daughter is in a sanitarium at 301 West Seventy-seventh street. The the Duchess, Eugene Zimmerman, daughter, who is 23 years old, inherited \$155,000 in trust under the will of her father, James Dalleba, a mining man, from which she has an income of \$7,000 a year. Accompanying the petition of Mrs.

Dalleba was an affidavit from Dr. Graeme M. Hammond who says that the young woman wants to give away half her inome to a man who has no claim on her and that unless she is sent to an asylum she may do so. He declares she thinks she is growing fat and takes unreasonable, quantities of medicine.

Miss Dalleba had several volumes of poems published before she was 20.

# GEN. GRANT TO ENLIST.

For Sentimental Reasons He Is to Be Made Fligible for the G. A. R.

++ NEW YORK. SATURDAY. FEBRUARY 5. 1910, -Copyright, 1910, by the Sun Printing and Publishing Association

CHICAGO, Feb. 4.-Gen. Frederick Dent Grant, commander of the Department of the Lakes, will be mustered into the United States army as a civil war soldier on April 29, the anniversary of the battle of Grand Gulf in 1863, and he will be mus tered out July 4, forty-seven years after the surrender of Vicksburg.

Although he saw much of the war, was n eight battles and was twice injured on the firing line, the son of Gen. U. S. Grant was not a United States soldier. He was a boy 13 years old, accompanying his father from Youngs Point, La., in March, 1862, to the evacuation of Vicks burg in July of the same year.

"I want to become a member of the Grand Army for purely sentimental easons," said Gen. Grant to-day, "but t is necessary to be mustered out of the army before I can be accepted. It will require a special act of Congress to do this, but my position as an active member of the army will not be impaired."

### EARTH HIT BY HUNKOFCOMET.

That's the Theory of Father McHugh to

d Meteor Explosion. QUINCY, Ill., Feb. 4.-An explosion apposed to have been caused by the impact of a meteor at 1:30 this morning aroused the whole city and caused buildings to tremble. Those about the streets saw a great glare in the sky.

BURLINGTON, Ia, Feb. from Keokuk and Hannibal say that at about 1:30 this morning the eastern sky was suddenly lighted with a great glare that was followed a moment later by s heavy shock which caused the earth to tremble.

CHICAGO, Feb. 4.-Father McHugh a professor of astronomy, said to-day that details of this latest explosion tended. to confirm his theory that this meteor and those recently reported from Connecticut are fire balls that became detached from comet A when it passed through the solar system and have been travelling toward the earth ever since.

Comet A's balance of gravity probably became disturbed as it came close to the rival pulls of gravity from the various bodies in the solar system and it began to disintegrate, according to Father McHugh's theory. This caused the split-ting and diminishing of the tail noted by various astronomers, and several fragments got into the sphere of earth's attraction.

#### RAIN OF METEORITES IN ITALY. Fall Red Hot Around Florence and Ruin Crops-People in Terror.

Special Cable Despatch to THE SUN.
ROME, Feb. 4.—According to reports from Florence a rain of meteorites fell thereabouts last night, especially at aglia and San Pietro. The stones were of the size and shape of hazel nuts.

When they reached the ground they were red hot and the crops were ruined At midnight a meteor with a long tai of unusual brilliancy was visible.

neteorites were gathered by handfuls to-day by the peasants. The people are impressed by the pheomenon. They fear disasters are portended and consequently they are crowding the churches to invoke help from heaven.

### Awful Mixen of Overcoats and Wrans at Coggey's Ball in Terrace Garden.

There was a small fire in the cloakroom of the Tarrace Garden early this morning while 3,500 men and women danced on the big floor below at former Charities Comoner Coggey's, Wyandotte Club ball The blaze started about 2 o'clock. It is thought that it was caused by a cigarette carelessly thrown behind a par-

tition While the alarm was sent in Adolph Sueskind, manager of the Garden, and Special Policeman Jecobs went among those in the corridor and antercoms as suring them that the fire was but a trifle and that there was no possible danger At the same time they pointed out the wisdom of not telling the crowds inside the dance hall unless it should become really necessary. So the dance went on and nobody on the floor knew anything about what was going on upstairs

The cloakroom is on the second floor and is near the concert room. When the fire was first discovered check boys and other employees of the Garden grabbed up cloaks, coats and hats in their arms and started taking them into the concert hall as fast as they could run back and forth. A good proportion of the personal belongings of the dancers was thus transferred before anything could be injured.

When it came to be time to go home however, even those whose outer cover ings were perfectly saie had no easy time getting them out of the chaos. A good nany garments were burned or badly damaged before they could be got out of the room.

The firemen made short work of the small blaze and the damage to the building was negligible.

### NEAR END OF FORD CASE Evidence All In and Arguments Begu -Miss Brockway on Stand.

CINCINNATI, Feb. 4 .- In the trial of

Mrs. Jeannette Ford for attempting to blackmail Charles L. Warriner the taking of testimony was closed this afternoon. William Thorndyke for the defence had issued sub poenas for L. J. Hackney, chief counsel for the Big Four Frank D. Comstock, former Railroad: treasurer; P. A. Hewitt, former auditor. and M. C. Horton, former paymaster of the road

Hackney only had Attorney Thorndyke, had communicated by telephone with Judge Hackney and had told him that all he wanted was Warriner's confession. He was assured that this was in New York. Under these conditions Thorndyke de-cided to close his case. Miss Ida Brockway was on the stand

at the morning session. All that she had to say was that her former friend Mrs. Ford was sometimes markedly destitute of cash and again abruptly overflowing with funds. with funds.
The only other witness was Mrs. A. E.

The only other witness was Mrs. A. E. Jackson, a negress, at one time dress-maker for Mrs. Ford, who testified that when Mrs. Ford was indisposed, which was often the case, she wrote love letters for her, such as caused E. S. Cooks of Chicago to clamor for more.

The case is not likely to reach the jury before Monday.

## WHAT ONE REGISTER KNOWS

#### MR. LYNCH OF THE BRONX RE-PLIES TO HIS SUPERIOR.

Somewhat Puzzling Account of the Butles of a Deputy Water Register Followed by a Far From Satisfactory Examination in Simple Addition.

A few days ago Commissioner Thomp

son of the Department of Water Supply Gas and Electricity, in order to get a line on the capabilities of the deputies of the Water Register's department, wrote to them asking them to send in a short statement of what they considered were the duties expected of them. Thomas M. Lynch, the deputy of The Bronx, was one of the first to respond. When his reply was received Commissioner Thompson was unable to make head or tail of it. Mr. Thompson finally called his staff to his aid and asked them to get together and see if they could find out what Mr. Lynch was trying to report to him. After studying the communication for several nours they reported to the Commissioner that so far as they had been able to decipher the writing it read:

Generall Rusnes off Water Rejete See Tha All Clorks Rive Own Tims Seen That That Deo Doty Evey Day Sine All pernib Too Tak Omt, Meter See Joe Mole Every Day ins Anesleect See That, Send Out, Billes Meteri frontijer Ber Seen Contuchen pay, Billes Seen Malor ins Anserd Every Day Too Setele. All Billes You See All. All Depute Select Am All Complant, ins Look, After.

Mr. Thompson was on the point of directing the dismissal of Mr. Lynch when he remembered that while the deputy might be short on penmanship and of knowledge how to construe the English language on paper he might yet be good with figures, which was after all one of the main qualifications of Water Register. The Commissioner sent one of his accountants up to The Bronx to put the deputy through an elementary arithmetical test. The official tried Mr Lynch first on simple addition, and the result of it was that the accountant thought there was no need for him to go ahead with the examination. This

how the preliminary test came out:

# Lynch's figures. 10.215 1.124.065 3,662 3,549 10.535 1.017.745 3,792 3,578

Mr. Lynch has been Water Register for The Bronx since 1904, being appointed therefore in Mayor McClellan's first term. He receives \$3,000 a year. It was mid yesterday at the office of the Water Department that Lynch before his ap-

pointment was a saloon keeper There may be a new Water Register n The Bronk.

### CORESPONDENT PROTESTS. Doesn't Want Divorce Suit Settled Until Her Name is Cleared.

culosis expert of 238 West Seventy-third street, who recently brought suit for divorce from his wife, Catheryn, and sued Major J. Otis Woodward, commandant of the Albany Burgesses Corps, for \$50,000 for alienation, asked Supreme Court Justice Gerard yesterday to discontinue the suit on the ground that it was brought through a misunderstanding and that he and his wife had become reconciled.

Mrs. Stubbert filed a counter suit against her husband, naming two corespondents one of whom was Mrs. Mary Hartsell wife of an actor There was strong opposition from one of the corespondents against the discontinuance of until her name had been cleared. Counsel for Dr. Stubbert said that the other corespondent had consented to the discon-

Justice Gerard said he would certainly ward the opposing corespondent her costs, but Henry Bernstein, the counsel "the question of costs is a small matter with my client. She has been maligned and wants her character vindicated, and it is not right that because the husband and wife have settled their marital differences that she should rest under a cloud when she denied wrongdoing. She is living with her husband, who has every confidence in her. I ask that this woman who has brought her into very unpleasant notoriety should write a letter vindicating her and apologize for ever making the charges against her, so that she would have something to show to offset the harm done her."

Justice Gerard said that there ought to be some way to meet such conditions but he didn't think he could prevent the parties from discontinuing. Counsel for Dr. Stubbert asked the Court if he would not shorten the proceedings, because Dr. Stubbert and his wife were anxious to come together as soon as possible

"I shall do nothing of the kind," Justice Gerard said. "I think what is asked for should be granted this lady. I may reserve decision for a month matter settled properly."

### NOT A BURGLAR, BUT HIS WIFE. Mr. Cullinan's Error Reveals Existence of Domestic Unpleasantness.

YONKERS, Feb. 4 .- That Mr. and Mrs. Edward C. Cullinan have been living apart for several weeks became known to-day. The fact came out in a peculiar way. Shortly after noon the police were asked

to send a number of men to the Cullinan home on Lakeside Drive to capture a burglar who had broken in while Mr. Cullinan was in an upper room. Capt. Cooler with a squad of reserves responded. When they arrived Mrs. Cullinan opened the front door and inquired the cause of

the front door and inquired the cause of the excitement.

Mrs. Cullinan then explained that she had been living with her mother and had come to the house to-day to secure some of her personal property. She found the doors locked and forced entrance through a kitchen window. Her husband, who was in his room on the second floor, heard her moving about and called the police.

Both Mr. and Mrs. Cullinan refused to speak of their differences for publication. Mr. Cullinan is a broker with an office in Exchange place, New York city.

### TAFT DANCES AGAIN

His Partners Two Young Ladies at the Depews' Reception.

WASHINGTON, Feb. 4.-Senator and Mrs Depew gave a reception to-night in honor of the Republican Editorial Association of New York and many members of the Cabinet, most of the New York delegation in Congress, Vice-President and Mrs. Sherman, the Speaker and Miss Cannon

Late in the evening President Taft, who had been at the theatre, dropped in with one of his aids, Capt. Johnson, and remained for a few minutes. He me most of the editors, shook hands with old acquaintances and then danced a few steps with Miss Paulding, Senator Depew's niece, and Miss MacArthur of Troy. The reception was a brilliant affair

#### F. W. PARKER SURRENDERS Will Face Larceny Charges Against Tracy & Co.

Frederick W. Parker, one of the three members of the firm of Tracy & Co. against whom indictments were filed on Tuesday, surrendered himself in the Criminal Branch of the Supreme Court esterday afternoon and was released in 10,000 bail. The other members of the firm are William W. Tracy and Robert D. Covington.

The firm of Tracy & Co. failed last Max for something over \$1,250,000, and the failure was brought to the attention of the District Attorney's office.

The indictment on which Parker surendered himself charges larceny in the

### GAYLEY ASKS DIVORCE. Steel Trust Vice-President Alleges Deser tion in Reno Suit.

RENO, Nev., Feb. 4.-James H. Gayley vice-president of the United States Stee Corporation, filed suit for divorce to-day against his wife, Julia Gardner Gayley, charging desertion.

The complaint, one of the briefest ever filed here, sets forth that the couple were married in St. Louis in February, 1884 and that on July 1, 1908, Mrs. Gayley left the plaintiff and went to live with relatives. There are three children, Mary, Agnes and Florence, whom Gayley is willing shall be left to the custody of the mother

There is no community property in volved. The wife now lives at 20 Washington Square, New York.

Gayley has lived quietly here for more than a year, few knowing of his presence SWIFTEST GERMAN CRUISER. The New Mainz Makes a Trial Mile at 29.6 Knots an Hour.

o-day covered a mile off Dantzig at the CLUBBERSOATH NOT CREDITED.

Special Cable Despatch to THE SUN.
BERLIN, Feb. 4.—The new oruser Mainz

The charge of assault against Oscar E. Gregory, a steamfitter of 100 Hart street, Brooklyn, whose arrest led to the discharge from the police force of Policeman James Devon of the Hamburg avenue station, was dismissed yesterday avenue police court, Williamsburg. It

was alleged that Devon brutally clubbed Gregory when he made the arrest. Devon testified that on the night of the arrest he saw Gregory strike his wife at Myrtle avenue and Broadway, Williamsburg, that the steamfitter attacked him and that he then used his club in self-defence. Devon was corroborated

by three witnesses Gregory testified that while he. wife and two women friends were waiting for a car they saw the policeman clubbing two men and that when a protest was made by Mrs. Gregory the trouble started and Gregory was clubbed. Gregory had four witnesses to substantiate his state-

ment. The Magistrate without any comment discharged the steamfitter. Devon under indictment for his assault Gregory.

### SOUTHERN PACIFIC PIER AFIRE. iome Freight Destroyed-Tugs Stand By to Pull the Proteus Out.

Fire started in the Southern Pacific Company's pier, 34 North River, at the foot of Canal street, shortly before 2 o'clock this morning. When the fire was discovered by Gus Johnson, a watchman, t was in the offices on the second floor.

The fire spread to the main floor of the pier, where there was a large amount of reight. Much of this was destroyed. The steamship Proteus was in her slip on the north side of the pier. Tugs lay in readiness until the blaze got too threatening and then they pulled her out

into the stream. The steamship people could not give much idea of the value of the freight which was destroyed and damaged.

### SUN DIAL FOR COLUMBIA. The Class of '85 Is to Erect One in 116th Street.

The class of 1885 of Columbia University s planning to give a sun dial to the col ege as a memorial of the twenty-fifth anniversary of its graduation on commencement day next June. The committee which has the matter in charge is headed by Prof. Harold Jacoby. Other members are Prof. Thomas Flake of the department of mathematics, William Williams and J. C. Baldwin.

Williams and J. C. Baldwin.

It is the committee's plan to have the dial placed directly in the centre of 118th street between Broadway and Amsterdam avenue on an isle of safety much like the one at Fifth avenue and Twentythird street. This part of the scheme has not been put up to the city authorities yet, but Prof. Jacoby and the other members of the committe think that they will have no difficulty in obtaining the necessary permission for the carrying out of the idea.

### BAILEY GETS BID TO SPEAK South Carolina Senate Refuses to Invite Gov. Hughes.

COLUMBIA, S. C., Feb. 4.-After two ours of debate and many references to to reach any other final conclusion. Senator Bailey's connection wth Standard Senator Bailey's connection with standard Oil the South Carolina Senate to-day concurred in the House resolution asking the Texan to address the General Assembly on the Federal income tax.

An amendment to the resolution asking Gov. Humbes of New York to present the other side of the case was voted down.

### HATTERS LOSE DANBURY CASE

### UNIONS MUST PAY \$222,000 FOR BOYCOTT DAMAGES.

United States Court Holds That the Effort

to Damage Manufacturer's Business Was an Infraction of the Sherman Anti-Trust Law-The Case Appealed. HARTFORD, Feb. 4.-The jury in the

hatters' trial in the United States Circuit Court late this afternoon after hearing the charge by Judge James P. Platt directing it to bring in a verdict for the plaintiff fixed the amount of damages which D. E. Loewe & Co. should receive from Martin Lawler and about 200 other defendants at \$74,000. As the Sherman anti-trust act, - under

which the action was brought, allo triple damages, Judge Platt multipli the \$74,000 by three, making the amo for which the defendants are liable \$232,000.

The result is a victory for the Da manufacturer. He reckoned the less to his business caused by the strike of July 23, 1902, and the boycott against his hats that followed at \$80,000 and asked for \$240,000 damages.

It took Judge Platt half an bour to charge the jury. He said that he con sidered it his duty to direct the jury bring in a verdict for Mr. Losmo and asked the jurymen-to-consider only question of damages.

As to the amount of damages the Judge gave few directions to help the jury, saying that he considered the able to come to a satisfactory con

The jury went to the jury room at 41:35 o'clock and remained there m the verdict was given, at about 3 o'clock.

A stay of execution for sixty days was granted. The defendants was the Circuit Court of Appeals. Arrange-Judge Platt at 11 o'clock March 7. At that time a motion to set aside the verdical as excessive will be argued. Two other matters which will be decided at that time are the bill of costs and the attorneys

In his charge Judge Platt said:

"It is the rule in Federal courts that in the charge to the jury the counsel may take exception to such portions of the charge as they consider unsatisfa before the jury has been sent to its deso thoroughly tried and I have had such liberations. But in this case it has be extensive opportunities to become familiar with it and the requests to charge have been given me sufficiently in advance that I have been enabled to study them and their application to the case before us that I intend to take upon my own shoulders the responsibility for what I shall say to the jury and I shall request of the counsel on both sides to remain silent till after I have finished my re

Although Supported by Testimony of His to the jury.

"They understand that they will be entitled to take any exception to my charge or my failing to charge in this case.

"This case, gentlemen of the jury, i somewhat more familiar to me than it is to you. I began to suffer the trials and The way in which the case reaches you at this time it is not necessary to dete at length because counsel repres the defendants, conceiving that of action under the Sherman anti-tr law had not been set forth in the on plaint, filed a demurrer to such portle of the complaint as raised distinctively

that question. "At that time our highest court had never issued any opinion which went to the length required in order to estab the validity of this complaint. With great uncertainty in my own mind as to what that action might be and a clear prophetic via ion of what a trial of the case at that state of the controversy meant, which prophetic vision, by the way, has been quite thoroughly accounted for in the proce which have been before us since last October, I felt that it would be best that the Supreme Court should say in s whether such a trial would be of se

"My views upon that matter seem to be also the views of the court immediately above me, the Circuit Court of Appeals because they certified in a brief m the facts set forth in this complaint and asked the opinion of the Supreme Court upon that subject. But with the case in that situation it seemed best to counsel both for the present plaintiffs and the present defendants, to have the Suprem Court's views upon the entire question, and therefore this whole case has taken before the Supreme Court and the

Supreme Court has passed upon it. "This complaint, which with the answer filed thereto raises the issues wh demand our consideration, has been as just remarked, subjected to the scruti of the Supreme Court of the United St the highest human authority which

be invoked thereon. "As I read that decision the Court considers it a presentation of a large plan entered into by the defendants and o to hamper, oripple and possibly destroy the ability of the plaintiffs to produce hats at home, and in connection therewith to hamper, cripple and possibly destroy the plaintiffs' ability to distribute the product to the ultimate consumers in other States, thereby necessarily reducing and restraining the natural flow of commerce between the home plant and th places of deposit in other States, which

ommerce of course is interstate. "If the essential elements of such plan and the means employed to make the plan a success have been clearly estab lished by the evidence that ought to be all that is required to entitle the plaintiffs to prevail. "I am constrained to say, gentless

that in so far as the combinations in re-

straint of interstate commerce is co cerned and the connection therewith of the defendants as parties it is not possible for any reasonable man to draw any inferences from the facts represented by either party which would enable them "The defendants have concentrated their attacks upon certain allegations

of the complaint which in my mind are not essential to a full and fair statem of the general plan which has been con-demned by our highest court.

"I appreciate the great responsibility